DOCUMENT RESUME

ED 146 663 95 EA 009 707

AUTHOR Mazzarella, Jo Ann
TITLE Implementing Title IX. ACSA School Management Digest, Series 1, Number 8. ERIC/CEM Research Analysis Series, Number 35.
INSTITUTION Association of California School Administrators.; Oregon Univ., Eugene. ERIC Clearinghouse on Educational Management.
SPONS AGENCY National Inst. of Education (DHEW), Washington, D.C.
PUB DATE 77
CONTRACT OEC-0-8-080353-3514
NOTE 40p.
AVAILABLE FROM Association of California School Administrators, P.O. Box 39186, Rincon Annex, San Francisco, California 94139 ($1.75 for ACSA members; $2.75, non-members)

EDRS PRICE MF-$0.83 HC-$2.06 Plus Postage.
DESCRIPTORS Affirmative Action; Athletic Programs; Counseling; Elementary Secondary Education; Employment Practices; *Equal Education; *Equal Opportunities (Jobs); *Federal Legislation; Nondiscriminatory Education; *Physical Education; School Districts; *Sex Discrimination; *Vocational Education
IDENTIFIERS *Education Amendments 1972 Title IX

ABSTRACT

Title IX of the Education Amendments of 1972 and the HEW implementing regulations cover two major areas: sex discrimination in school courses, athletics, extracurricular activities, employment, and counseling, and sex descrimination in hiring, promotions, and benefits for school personnel. The author of this review examines the progress (and lack thereof) made by schools attempting to comply with Title IX requirements in physical education and athletic programs, employment, counseling and vocational education, and treatment of students. Combining information from the literature with material gleaned from personal interviews, the author focuses on the successful efforts of some school districts to fulfill both the letter and the spirit of Title IX. The author notes that staff, parents, and students need to be involved in implementing Title IX. A decentralized approach involving vigorous, dedicated committees, has been used by most schools that have moved the farthest toward eradicating sex discrimination, she notes. (Author/DS)

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Prepared by
ERIC Clearinghouse on
Educational Management

Published by
Association of California
School Administrators

EA 009 707

ACSA School Management Digest, Number Eight
ERIC/CEM Accession Number: EA 009 707
ERIC/CEM Research Analysis Series, Number Thirty-five

Printed in the United States of America, 1977
Association of California School Administrators
1575 Old Bayshore Drive
Burlingame, California 94010

Additional copies are available from ACSA for $1.75, members; $2.75, nonmembers.

The material in this publication was prepared pursuant to a contract with the National Institute of Education, U.S. Department of Health, Education, and Welfare. Contractors undertaking such projects under government sponsorship are encouraged to express freely their judgment in professional and technical matters. Prior to publication, the manuscript was submitted to the Association of California School Administrators for critical review and determination of professional competence. This publication has met such standards. Points of view or opinions, however, do not necessarily represent the official view or opinions of either the Association of California School Administrators or the National Institute of Education.

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FOREWORD

Both the Association of California School Administrators and the ERIC Clearinghouse on Educational Management are pleased to cooperate in producing the *School Management Digest*, a series of reports designed to offer educational leaders essential information on a wide range of critical concerns in education.

At a time when decisions in education must be made on the basis of increasingly complex information, the *Digest* provides school administrators with concise, readable analyses of the most important trends in schools today, as well as points up the practical implications of major research findings.

By special cooperative arrangement, the series draws on the extensive research facilities and expertise of the ERIC Clearinghouse on Educational Management. The titles in the series were planned and developed cooperatively by both organizations. Utilizing the resources of the ERIC network, the Clearinghouse is responsible for researching the topics and preparing the copy for publication by ACSA.

The author of this report, Jo Ann Mazzarella, was commissioned by the Clearinghouse as a research analyst and writer.

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INTRODUCTION

An eighth-grade boy is not allowed to take a cooking course because the popular course is limited to future homemakers—and that means girls.

A talented swimmer is not allowed to compete in school meets because these are limited to males only.

The applicant most qualified for a vacant principalship is passed over because a woman just would not fit into the all-male administrative team.

A student is expelled from school because she is pregnant.

A course preparing students for well-paying jobs in printing is closed to female students who have access only to courses leading to less-lucrative careers.

All the above examples are violations of Title IX of the Education Amendments of 1972. This law (only one page long in its entirety), has as its central provision:

> No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance. . . .

When the law was passed in 1972, it was difficult to foresee what its implications would be. Would it apply to textbooks? Did it require affirmative action in hiring programs? Did it mean that boys and girls would use the same locker rooms? The Department of Health, Education, and Welfare (HEW), weighing almost 10,000 public comments, took over three years to draft the final implementing regulations that would answer such questions.

In the end, the answer to all three questions above is no. The law does not apply to textbooks for fear of abridging First Amendment rights. It requires affirmative action only if evidence of discrimination is found. And finally, locker rooms are limited to one sex only—or, at least, one sex at a time.

But more important, of course, are the areas the law does affect. These include almost every aspect of school life, from glee clubs to pregnancy leaves, from janitorial promotions to who uses the gym on Saturday night.

The regulations cover two major broad areas. They prohibit

- sex discrimination of students in courses, athletics, extracurricular activities, employment, and counseling
- sex discrimination of employees in hiring, promotions, and benefits

Schools that persist in such practices risk losing all federal funds. Enforcement is conducted by HEW's Office for Civil Rights (OCR). The OCR initially attempted to ease its heavy burden of enforcing the law in 16,000 school districts and 2,697 institutions of higher learning by investigating only selected complaints. But civil rights and women's groups protested, and a lawsuit was filed in Washington, D.C., in which the federal judge issued a court order requiring OCR to initiate an investigation of every complaint within fifteen days. They must complete the investigation in ninety days, then allow ninety additional days for voluntary compliance before beginning enforcement proceedings to cut off federal funds.

The schools described in these pages have made great strides in complying with Title IX regulations. They are not, however, typical. There is no reason to believe that California schools as a whole are implementing Title IX much faster than are other schools in the nation, and by March 1977 two-thirds of United States schools had not even filed the assurance of compliance due July 1976. In "Special Edition: Title IX," the April 1977 issue of *California Women*, the California Commission on the Status of Women revealed some rather surprising statistics: Of the forty-eight school districts in one large southern California county, only three reported they had completed self-evaluations, of twenty-seven districts in a northern California county, only three were clearly in full compliance. If these statistics are typical, it seems clear that most California schools are still struggling

toward compliance and, certainly, a few have barely begun.

In March 1977, HEW Secretary Joseph Califano announced that schools who had not filed an assurance of compliance would have only sixty days to do so before action would be initiated to remove all federal funds. And it is only a matter of time before interested parents, students, or staff are going to make sure that OCR knows about other infractions and noncompliance in most districts. For those schools still wondering whether to initiate Title IX compliance now or later, the time is now. The time, in fact, was yesterday.

Many of the provisions in the regulations for Title IX were met with less than enthusiasm by members of the school community. A study by Fishel reveals that several of the law's most important provisions (including prohibiting sex segregated classes) were met with disfavor by school board members and administrators. At least one California district has seen fit to return federal funds rather than comply with Title IX.

There are several reasons for such resistance. One is that Title IX requires dramatic changes in schools—especially in such areas as physical and vocational education and in hiring procedures—and such changes are always time-consuming and often expensive. Another is that sex discrimination is so much a part of our culture that it was at first difficult for some school people to believe they had been doing anything wrong.

Yet time has passed since the legislation first appeared. Workshops have been held; numerous articles have been written; school people have had time to think and observe. It is now clearer to educators that sex discrimination in education is real and it is wrong. It is more obvious why limiting access to courses is the same as preventing students from developing their best aptitudes and following their individual interests. It is more evident that separate (and unequal) gym classes prevent students from being challenged to the utmost of their abilities. It now seems clear that unequal pay for equal work or underutilization of qualified personnel is

not only harmful to staff members but also lowers the quality of education in the school system as a whole.

Indeed, the big question regarding Title IX is no longer "when?" or "why?" but "how?". How can Title IX be implemented? How are schools successfully making the big changes that have to be made? Most importantly, how can sex discrimination be eradicated from our schools?

It seems to make sense that administrators who believe their schools are not guilty of sex discrimination have nothing to do as far as Title IX is concerned. They can just sit back and relax, hoping, of course, that they receive no complaints. It isn't that easy.

McCune explains that certain provisions in Title IX regulations are based on the assumption that sex discrimination is likely to exist unrecognized in most institutions. For this reason, schools cannot merely wait passively for complaints to arrive, but must respond actively to the legislation and make concrete efforts to identify where discrimination exists.

In a publication focusing on the first twelve months of Title IX implementation, McCune and Matthews identify the most important provisions that require an active response as follows:

- publicizing a policy of nondiscrimination
- designation of an employee responsible for compliance
- development of grievance procedures
- conducting a self-evaluation
- filing an assurance of compliance

The deadline for completing these steps was July 1976—one year after the regulations were first issued. Yet, as noted in the introduction, by April 1977 only about one-third of all United States schools had filed an assurance that they had done so. Progress has been slow.

Grievance Procedures

While some of these compliance requirements are fairly simple to understand and implement, the proper way to develop a grievance procedure is not self-evident. It is to an administrator's advantage to take care to set up effective griev-

ance procedures because a responsive system can solve problems locally that might otherwise be brought to the Office for Civil Rights.

In their manual on conducting grievance procedures, Matthews and McCune point out that setting up Title IX grievance procedures can be simplified by basing them on other local grievance procedures such as those set forth in collective bargaining or other antidiscrimination laws. The authors suggest a three-level procedure involving hearings before grievance officers.

The Mt. Diablo Unified School District has set up a grievance procedure that includes a grievance committee in each school. Appeals go to the assistant superintendent and then to the superintendent. At each level a decision must be handed down within ten days. In spite of this formal system, however, the district attempts first to solve problems informally and has been successful in doing so.

School District 4J in Eugene, Oregon, publicizes its grievance procedure by putting it in the student rights handbook. In Eugene, complaints that cannot be solved informally are to be filed with the two Title IX coordinators, who must reply within twenty days. Appeals are filed with the superintendent.

A system of local grievance procedures allows schools and districts to police themselves regarding Title IX. Nevertheless, anyone who prefers to complain directly to the Office for Civil Rights is free to do so without first exhausting local grievance procedures.

The Self-Evaluation

Conducting an institutional self-evaluation for Title IX means that schools must assess every aspect of their policies and practices for evidence of sex discrimination. This can be a long and complex procedure.

Nevertheless, rather than being merely a provision to aid the Office for Civil Rights in enforcement of the law, it is an important part of the eradication of sex discrimination itself. Matthews and McCune in their handbook on implementing

self-evaluation see the importance of an institutional self-evaluation as

- uncovering unintentional sex discrimination
- giving institutions the opportunity to develop procedures for monitoring sex discrimination
- providing an opportunity for informing staff about Title IX requirements

The authors offer a checklist covering all areas of school life including access to courses, counseling. treatment of students, athletics, and employment.

Most schools find a checklist the best way to implement their self-evaluation. The Los Angeles Unified School District developed a comprehensive checklist used by their Title IX coordinator. This list includes a space for listing areas of non-compliance and recommendations and dates for achieving compliance.

The Mt. Diablo Unified School District included in its self-evaluation plan a survey of sex discrimination practices. After the survey was completed by staff and parents, each school completed a form listing existing conditions, desired conditions, major solution procedures, and a time line indicating exactly when solutions would be initiated.

Tucson Unified School District concurrently carried on self-evaluation and implementation of Title IX. The district patterned its evaluation on its Title VI self-evaluation.

PHYSICAL EDUCATION AND ATHLETICS

When asked what part of Title IX legislation is most difficult to implement, school people are unanimous in pointing to the areas of physical education and athletics. Kadzielski has noted that these fields account for only about 4 percent of the text of the law, yet have provoked the greatest controversy of any section.

It is in these areas that the biggest and most expensive changes need to be made. And it is in these areas that some of the greatest inequities lie.

What Is Wrong

Rusch cites a South Dakota study of 973 high schools revealing that these schools spent five times as much on boys' athletic programs as they did on girls' programs. The American Association of School Administrators' (AASA) publication on sex equality in school quotes statistics even more startling: for every dollar spent on high school boys' athletics, girls' programs generally get a dime or less.

This AASA publication does a good job of pointing out the inequities that result from the seemingly innocuous practice of separating boys' and girls' physical education classes.

> Sex-oriented differentiations begin when physical education classes are separated, if not before. It soon becomes evident that girls' teams and physical education classes get second choice in facilities, equipment, and dressing rooms. Females may never have a chance to use outdoor playing fields except in early fall and late spring. They may get tennis courts, tracks, gyms, and basketball courts at hours or seasons when the boys don't have them—and be asked to give the gym back to the boys on rainy spring days.

Burkett points out that separating boys' and girls' coaching usually prevents both sexes from having a well-rounded program. Often male coaches teach only a very limited range of sports based on their own college playing experience. Female coaches, while familiar with a larger number of non-

competitive sports, often lack exposure to competitive sports.

Many coaches justify unequal facilities and expenditures for women's athletics by the indisputable fact that men's athletics currently generate larger gate receipts. This issue is part of a more central question. What is the real purpose for school athletic events? If athletic programs are instituted to allow a few star athletes the chance to make money for and promote the glory of their schools (and their coaches), then it probably does not make sense that the moneymaking teams have to share with those who bring in smaller receipts. But if the purpose of athletics is to allow as many students as possible the chance to participate in sports, then it becomes clear that the moneymaking star system is counterproductive if not downright harmful to students and ought to be replaced with a system that offers everyone equal opportunities to participate.

What to Do

The regulations regarding athletics and physical education are lengthy and many-faceted. As far as physical education (P.E.) classes go, the heart of the legislation is explained by Landers:

> Physical education classes may not be conducted separately on the basis of sex, nor may participation in physical education programs be required or refused on the basis of sex.
>
> This principle actually eliminates the two-program approach to physical education. "Girls P.E." and "Boys P.E." will become "Student P.E."

She does, however, note exceptions. Students may be separated for contact sports, which include even basketball. They may be ability-grouped within a class even if these groups turn out to be predominantly of one sex.

An Office for Civil Rights publication explains that there must also be equal opportunity in the conduct of extracurricular athletic programs. This means basically that females must have an opportunity to attempt to meet objective standards for becoming members on teams that interest them. Schools may have separate teams in contact sports if they desire. It does not mean, the Office for Civil Rights points out, that

schools must spend exactly the same amount on boys' and girls' programs.

> Rather the pattern of expenditures should not result in a disparate effect on opportunity. Recipients must not discriminate on the basis of sex in the provision of necessary equipment, supplies, facilities, and publicity for sports programs.

Because making the necessary changes in athletics involves so much time and money, schools were given extra time to achieve full compliance. Elementary schools were given until summer of 1976, while secondary schools must be in compliance by summer of 1978. The Office for Civil Rights has emphasized that this is *not* a waiting period but is rather for

- staff training and planning
- curriculum revision
- rescheduling
- renovation of facilities or construction of new facilities

Title IX regulations have been challenged by a lawsuit filed in spring 1976 by the National Collegiate Athletic Association (NCAA). According to an article entitled "NCAA Sues to Exempt Sports . . . ," the NCAA case makes two major claims:

- Since athletic programs receive no federal funds, they should not be covered by Title IX.
- HEW unlawfully interpreted the law to include all programs that "benefit from" federal aid while the law itself mentions only programs that "receive" aid.

The fate of this suit is difficult to predict. It will be difficult to prove that Congress intended to exempt athletics from the legislation because, when the regulations were being developed, an amendment to exclude athletics was defeated.

And the regulations are quite specific in stating that *all* school activities are covered, even when receiving no federal funds. In fact, a National Association of College and Business

Officers' publication on Title IX emphasizes that

> . . . the courts have held that the education functions of a school district or college include any service, facility, activity or program which it operates or sponsors, including athletics and other extracurricular activities.

Yet it is conceivable that a strict constructionist judge could maintain that Congress overstepped its powers in regulating activities that do not directly receive federal funds.

How to Do It

Before Title IX, most schools were far from having equal opportunities and facilities for both sexes in all sports. Creating opportunities and improving facilities are big jobs. Yet, besides a commitment to equal opportunity, there are other reasons why taking such time and trouble is worth the effort.

Landers points out that athletic programs are worthy of much attention partly because they are such visible programs "subject to much public scrutiny." As she puts it, "Title IX compliance or non-compliance is clearly evidenced by the programs, policies, and procedures seen daily on your school courts or fields."

There are several sources of help for administrators implementing Title IX in physical education and athletics. Lopiano offers suggestions for conducting a comprehensive self-evaluation in this area. Her techniques utilize extensive tables comparing such things as uniforms, supplies, training services, public relations personnel, and transportation to and from games. She feels that a successful self-evaluation will not be the product of one person but will result from combined efforts of athletic program administrators, interested faculty, coaches, students, and school administrators.

Publications from the California State Department of Education are helpful to administrators implementing Title IX. The publication concerning Phase 3 of physical education implementation contains scheduling suggestions for sample model programs stressing coeducational sports like tennis, swimming, gymnastics, archery, and folk dance.

Gerou points out that the primary goal in implementing Title IX is not to set up identical programs but to set up pro-

grams that meet the interests and desires of students. Students must constantly be asked for input in setting up P.E. programs so that as much as possible "everyone is given the chance to do whatever he or she wants to do or is capable of doing."

How Others Are Doing It

Pennsylvania was one of the first states in the nation to move toward ending sex discrimination in education, passing in 1971 a state constitutional amendment affirming that equality could not be denied on the basis of sex. The George Washington University Institute for Educational Leadership reports that as early as 1972 the Pennsylvania Department of Education held workshops on sexism and that by 1974 it had required that schools institute an intramurals program to provide all boys and girls with equal access to school facilities, equal number of activities, comparable equipment, supplies, services, coeducational activities, and funding appropriate to the sport.

Tucson Unified School District began phasing in coed physical education in 1974. The first step was workshops for P.E. teachers explaining the move and offering training in working with girls and boys together. Their present athletic program is the product of a districtwide survey to determine student interests. They are especially proud of their excellent softball, track, and cross-country programs.

The San Mateo Union High School District has made progress in the elimination of sex discrimination in the scheduling of athletic events. Instead of holding both junior varsity and varsity boys' games on Friday night as in the past, they now relegate junior varsity games to Friday afternoon and hold double-header boys' and girls' varsity games on Friday night. They have also undertaken a concerted effort to increase publicity for girls' sports.

The Jefferson Union High School District (Daly City, California) has made an attempt to bring female coaches up to parity in afterschool activities. Motivated by a parental complaint concerning girls' and boys' basketball, School District 4J in Eugene, Oregon, began their efforts with a task force to

examine athletics.

The Merced City School District mandated equal expenditures for athletics in 1974. They too have held workshops for P.E. staff members. In a telephone interview on May 16, 1977, Superintendent Bob Kirkpatrick reported that Merced's entire P.E. program has been significantly improved by efforts to develop a coeducational sports program. This program stresses lifetime sports like rock climbing and bicycling "instead of just throwing out the ball."

Nowhere is the grievous harm done by sex discrimination in education more evident than in vocational or career education. When young women are denied access to career training programs, they may be handicapped for life in their money-making ability. It used to be argued, of course, that girls did not need the same vocational education opportunities as boys because, while boys were to be employed most of their lives, most girls were to become mothers and homemakers and never work outside the home. Even if this argument made sense in the past, it certainly does no longer. The AASA publication on sex equality in school notes that "only 1 in 10 women will never work" and that "half will work as long as 30 years." Women nowadays must be as well prepared for the world of work as men.

Past Inequities

While vocational education is certainly not closed to girls, its scope is severely limited. Traditionally, boys' and girls' vocational education courses have been segregated by sex. Saunders notes that "the segregation of boys and girls in vocational education usually results in significantly different curriculums, and in effect, limits career opportunities for students of both sexes." Saunders goes on to show that girls suffer most under such segregation. He cites a study of "one city's" trade schools, revealing that while boys were offered courses in over ten trade areas including electronics, carpentry, drafting, and printing, girls were offered courses in only four areas: clothing, foods, beauty culture, and art. Most importantly, the trades open to girls had an average expected wage 47 percent lower than the trades open to boys.

The AASA publication (1975b) suggests that the ill effects of such discrimination go beyond money. Their result is that "the nation chooses from among half the talent available, and many gifted people spend their lives in work that doesn't em-

ploy their greatest ability."

The Regulations

In their handbook on implementing a self-evaluation, Matthews and McCune explain that vocational education classes must now be open to students of both sexes. There can be no limits to the number of persons of each sex in each class or program. No admissions criterion can be used that has a disproportionate effect on either sex unless it can be proved that the criterion is a valid predictor of success. The classes cannot be closed to students who are pregnant.

Furthermore, as Wong emphasizes, all aspects of the counseling program must be free from implications that certain career choices are more appropriate for students of one sex than the other. When a class has enrollment that is 80 percent or more of only one sex, administrators must be prepared to show that this is not the result of sex discrimination in counseling or counseling materials.

Describing discrimination in counseling as subtle and difficult to pinpoint, Craig warns against possible sex discrimination in the use of aptitude tests. He explains that counselors must be careful not to use sex differentiated aptitude tests or to make different academic or vocational recommendations to boys and girls with comparable scores on the same test.

Matthews and McCune (1976a) recommend reviewing all course and program description material on vocational education "to ensure that content, language, and illustrations reflect compliance with Title IX."

Overcoming Difficulties

Implementing Title IX in vocational education presents some unique problems. For example, how will a male shop teacher who has taught all-male classes for twenty years react to girls in his classes? How will a female home economics teacher feel about teaching boys?

David Kennon, assistant superintendent for state and federal programs for Tucson Unified School District, in a telephone interview on May 16, 1977, expressed his belief that

you "can't force teachers to do something they don't know how to do." He sees one answer as reeducation. His district holds workshops to help teachers learn how to best teach students of the opposite sex for the first time.

Bohn recommends such a workshop utilizing skits, role-playing, and lectures to help industrial arts teachers understand reasons for the legislation and recognize their own counterproductive attitudes.

Another problem was voiced by the Title IX coordinator of a large southern California district. "It's an attitude problem. All our classes are open, but the real problem is getting students in the classes." Another Arizona coordinator put it, "The kids segregate themselves."

The Jefferson Union High School District has begun solving this problem through the combined efforts of teachers and the counseling department. Here counselors carry the message to students that teachers really want students of both sexes in their classes. Counselors also emphasize that certain previously taboo courses are now appropriate for everyone. As a result, the district reports a number of young women enrolled in automotive services courses and some outstanding female students in industrial electricity courses.

The San Mateo Union High School District uses a similar approach. Their Career Center counseling group actively encourages students to explore new areas. Charles Mink, Title IX coordinator, reported in a telephone interview on May 12, 1977, that students in his district who are now taking courses previously thought inappropriate seem to feel good about themselves and are experiencing little peer disapproval.

To assure a more balanced enrollment in vocational classes, the names of courses may have to be changed. A title like "Home Economics for Boys" is in clear violation of the legislation. "Home Economics" is legal but won't attract many boys. The Institute for Educational Leadership notes that the Kalamazoo schools are attempting to attract students of both sexes by using the title "Human Ecology."

EMPLOYMENT

At first glance, the area of employment might appear to be one area where school people can congratulate themselves. Certainly the field of education has never been closed to women. In fact, well over 50 percent of teachers are female.

What Is Wrong

But only a cursory second glance reveals big problems. Women in education are clearly at the bottom of the professional ladder. An AASA publication on sex equality in educational administration cites figures revealing that less than 2 percent of senior high school principals and less than 1 percent of superintendents are women. In a study of Oregon schools, Schmuck found that while 60 percent of the nonteaching males were administrators, only 1 percent of the nonteaching females were administrators.

Surveying a great deal of research on the subject led Coursen to the dismal conclusions

> that few women work as school administrators, that the jobs women get are the lowest ranking ones, that the women who get the jobs are older than the men working at comparable levels, and that the situation is getting worse all the time.

Coursen points out that such a situation is not only destructive to the women discriminated against but to education as a whole.

> Discrimination in this area is not merely morally repugnant; practically it is destructive, since it narrows the base from which school leadership can be drawn.

What to Do

Although the reasons for the subordinate position of women in education are complex and go beyond mere employment and hiring practices, these practices are certainly part of the problem. Title IX prohibits a number of such practices, including making any hiring or promotional decisions on the

basis of sex (except in the few cases where sex is a bona fide occupational qualification such as working in a locker room). It also demands equal pay for equal work regardless of sex and equal treatment of male and female employees.

Title IX is just one of a series of regulations regarding sex discrimination in employment. These include the Equal Pay Act of 1963, Title VII of the Civil Rights Act, and Executive Orders 11246 and 11375. California SB 470, passed in 1972, covers similar areas. The Executive Orders are the only regulations that require "affirmative action."

Some authors refer to all nondiscrimination legislation as "affirmative action." Actually, affirmative action legislation, as Dunkle and Sandler describe it, means "taking steps to *remedy* a situation based on sex which was caused by past discrimination either by the school or by society at large." This usually means programs designed to attract and give some preference to female applicants. Title IX, however, requires only nondiscriminatory practices. Although Title IX does not require affirmative action, an affirmative action plan can be imposed if evidence of past discrimination is found.

In spite of not requiring affirmative action, the employment section of Title IX is more powerful than other similar nondiscrimination legislation. Barbara Caulfield, University of Oregon law professor, in a personal interview on June 1, 1977, explained the reasons why. One is that other similar legislation requires the litigant to file a long and costly lawsuit, while Office for Civil Rights investigations must be expedient and are free. Another is that schools that are found guilty of violating Title IX have much more to lose than schools that violate other legislation. Even being forced to pay years of back pay to employees is almost never as costly and crippling as loss of all federal funds. Finally, Title IX allows not only employees but parents and students to file grievances regarding violations. This not only increases the pool of potential complainants beyond affected parties; it also allows employees who might be afraid to anger their employers by filing a lawsuit to file a complaint covertly through a parent or student.

In April 1977, the Title IX regulations regarding staff em-

ployment were called into question by a district court case involving the Romeo (Michigan) Community Schools and HEW. The district court judge in this case made two important findings. One was that in his opinion Congress and HEW have no regulatory power over school personnel hiring practices. This is because, as an article entitled "Schools and Colleges: Discrimination" puts it, the judge believes the Congress has the power only to regulate "sex discrimination against the participants in and the beneficiaries of federally assisted education programs. . . . and this can only mean the school children in those programs." In short, the legislation, the judge maintained, can only regulate discrimination against students, not employees.

An additional finding was similar to the position held by the NCAA in its athletics suit. This was that HEW enforcement must be "program specific." This means that HEW may enforce the legislation by removing funds from only the "offending program" rather than from the institution as a whole. Therefore, HEW would have no regulatory power over parts of the educational program not directly receiving federal funds.

These findings will probably be appealed several times, with no final decision from the Supreme Court before 1980 or 1981. Caulfield, in the interview previously mentioned, guessed that HEW will probably maintain in its appeal that discrimination against female employees is ultimately discrimination against students because of the force of adult "role models." If female students see no women in administrative positions, they will grow up believing that they themselves are probably incapable of filling such positions, and their own opportunities will be thus limited. HEW may also maintain that it is impossible to separate the education programs that benefit from federal dollars from those that do not. Federal funds for one program free funds for other programs. There is no way to determine precisely where federal money has effect.

No matter what the final outcome, until the case is settled the employment section of Title IX is still the law of the land in every state except Michigan.

How to Do It

Many areas of employment must be scrutinized to implement Title IX's employment regulations. Even schools content to stay merely within the letter of the law have a lot to do, and schools with a commitment to wiping out all evidence of sex discrimination will be even busier.

The Association of American Colleges, in its short checklist, suggests beginning by evaluating such areas as job mobility, nepotism policies, retirement practices, and childbearing leaves. They recommend comparing the percentage of available qualified women with the percentage of women in each organizational unit.

The AASA publication on sex equality in educational administration stresses the importance of widely advertising openings to all school employees. They explain that "too often in the past complaints about inequality of opportunity have been based upon lack of knowledge of available openings or a feeling of 'big boy' secret recruitment."

The Education Law Center suggests both a checklist for evaluating employment practices and one for monitoring continuing compliance. The latter checklist asks such questions as "Have all tests or other criteria used for employment which were found to have a disproportionately adverse effect on persons of one sex, been reviewed and proven to be valid predictors of job performance?" and "Do job application forms avoid any reference to applicant's marital status or sex?"

Timpano and Knight maintain that unequal opportunities for women in administrative positions can arise from unrecognized sexist attitudes of employers. They recommend that employers examine their expectations of women administrators by asking themselves "Would I ask that of a man?" or "Would I expect that of a man?"

How Others Are Doing It

Although some schools have undoubtedly done little toward eliminating sex discrimination in employment, a few outstanding schools have gone beyond what the legislation demands. This is partially the result of attempts of some schools

to comply with affirmative action requirements. It is also because many administrators and Title IX coordinators realize that putting more qualified women into administrative positions requires more than just taking down the signs that read "For Men Only."

One such district is the Grossmont Union High School District, which is sponsoring leadership training seminars for women. These seminars are based on the belief that one reason few women are found in educational administration is that many women lack the self-assurance to apply for leadership positions. Hill and Nossaman explain that the seminars include resume writing, examining career goals, developing interviewing skills, and assertiveness exercises.

The Mt. Diablo Unified School District has held similar workshops. In addition, its handbook of operating procedures regarding Title IX stipulates nondiscriminatory employment procedures.

In spite of the fact that some school districts are moving toward placing women in administrative positions, few have actually done so. The Merced City School District is outstanding in having six women in administrative positions, including two principalships. The Tucson Unified School District has a female deputy superintendent.

The San Mateo Union High School District is sponsoring a unique program for women in physical education and athletics. The district is attempting to broaden the experience of women coaches aspiring to be athletic directors by allowing them to work with the local director in areas where they lack experience and expertise such as in drawing up schedules and budgets.

In spite of the outstanding efforts that some schools are making to open up administrative experience to women, there just aren't many administrative positions open. Turnover rates are low, money is tight, and seniority systems slow things down. It will be years before efforts to increase the number of women administrators bear fruit.

TREATMENT OF STUDENTS

What about student life outside the classroom? What about pregnant students? How does Title IX affect a school's general treatment of students?

Matthews and McCune (1976a) explain that Title IX covers all facets of treatment of students, including health insurance, dress codes, awards, extracurricular activities, and employment. The lettermen's banquet must become a coeducational letter banquet. The Future Homemakers of America must admit male members. Dress codes may contain general stipulations about neatness or appropriateness of dress, but may not, for instance, require one hair length for girls and one for boys.

Extracurricular Activities

Of these areas, the one to receive the most notice is extracurricular activities. The AASA publication (1975b) explains that all-male or all-female organizations usually reinforce sex stereotyping and thus limit opportunities.

> Traditionally, extracurricular activities have been designed chiefly to amplify and reinforce students' preparation for what society considered masculine or feminine roles. Boys' activities were often devoted to developing physical strength, leadership, and inquisitiveness. Girls' activities were supportive and most often domestic.

Both boys and girls need an opportunity to develop *all* these qualities and to pursue any activities that develop their interests and talents.

Mahon suggests beginning to implement this portion of the legislation by examining

- all extracurricular activities available to students
- the membership criteria for all clubs and organizations
- all outside organizations who limit membership to a single sex and make use of school facilities

Some outside organizations, however, are exempt from these rules. The Association of American Colleges publication on single sex organizations explains that the 1974 Bayh Amendment exempts the Young Men's Christian Association, Young Women's Christian Association, Girl Scouts, Boy Scouts, and Camp Fire Girls from the provision as well as voluntary youth service organizations.

The Mt. Diablo Unified School District has used its handbook on operating procedures to notify all schools that they must provide equal access to all organizations. They suggest the creation of a Student Athletic Association, a "Homecoming Senior" rather than a "Homecoming Queen," and substituting the term "Rally Club" for "Song Girls."

The Los Angeles Unified School District, in their book of questions and answers on Title IX, has already advised its schools to combine honor organizations like "Knights" and "Ladies" and to develop nonsexist membership criteria—even if this means a disproportionate number of one sex in the organization. Drill teams, cheerleading groups, and stage crews must all be open to both sexes.

Student Employment

Regarding student employment in work study or apprenticeship programs administered by the school, Fins illustrates with an example:

> If a company agrees to take a student for work in a service station, applicants must be sent without regard to sex. A company or employer may no longer request a student of a specific sex for a position.

Mt. Diablo has requested that all its schools obtain assurances of nondiscrimination from potential employers. The district asks schools not to accept employment requests from employers who specify that only members of one sex will be considered.

Los Angeles, in its questions and answers booklet, explains to its schools that even an employer offering three jobs for girls and three jobs for boys must be persuaded to change the offer to six jobs for the most qualified students.

Pregnant Students

For years, pregnant students have been pressured to leave school. Most never return. Under the provisions of Title IX, such treatment is considered to be sex discrimination and must be curtailed. The AASA publication (1975b) explains how badly young pregnant women need to finish school:

> Young mothers, in particular, will probably need to support themselves and their children. If they are married, their husbands are usually under 21, in the age groups with the highest unemployment.

Fins further explains that pregnant students cannot be banished to special classes against their will. They must be allowed to attend regular classes and participate in all extracurricular activities if they wish.

Los Angeles allows students a choice of participating in a special or regular program. It treats pregnant students like any other students with temporary disabilities.

KEYS TO SUCCESS

The school districts described in these pages have come a long way toward compliance with Title IX. Most of them have used certain ways of proceeding that have helped them to move easily, smoothly, and with minimal backlash. These keys to successful implementation of Title IX include using workshops, staff and community committees, and a decentralized approach. Above all, these schools have all had strong administrative support.

Workshops

School districts that have implemented Title IX with the most ease and the least confusion have all begun with workshops or inservice training activities. Teachers, administrators, and other members of school staff cannot begin to implement Title IX with enthusiasm until they understand exactly what the legislation calls for and why. Shop or home economics teachers often need special help in changing curricula and teaching techniques to fit coeducational classes. Almost everyone needs some consciousness raising about what sex discrimination is, the many ways it is harmful to boys and girls, and how to eradicate it.

Hayes describes a workshop that focused on both sexism and racism, utilizing resources from Wayne State University to train interdisciplinary teams whose members then became leader-trainers for their own schools. The teams attended a six-weeks summer institute for training in such areas as

- consciousness raising regarding both sexism and racism
- measuring sex and race equity in schools and in the central office
- examining and recommending modifications in school organization

McCune and her colleagues, in their publication describing a Title IX workshop, provide detailed instructions for a workshop that attempts to develop positive attitudes and explains sex discrimination in education and the rationale for and requirements of Title IX. The authors stress the importance of first assessing the main problems and general level of awareness of the target group and choosing activities suitable to their needs. They include numerous sample grievances to help participants recognize noncompliance and understand how it can be corrected.

Most of the districts whose Title IX efforts are described in these pages were assisted in their workshops by these agencies:

General Assistance Center:
STRIDE
Far West Laboratory
1855 Folsom Avenue
San Francisco, California 94103
(415) 565-3080

State Department of Education
Bureau of Intergroup Relations
John Klumb
Barbara Landers
721 Capitol Mall
Sacramento, California 95814
(916) 322-2737

Project Equity
Barbara A. Peterson
Room 327: Education Building
California State University
Fullerton, California 92634
(714) 870-3141

ACSA Special Committee:
Title IX
Jessie Kobayshi*
Whisman School District
1957 San Ramon Avenue
Mountain View, California 94040
(415) 967-6921

[*Jessie Kobayshi is now Superintendent
Murray Elementary School District
7416 Brithton Drive
Dublin, California 94566
(415) 828-2551]

Project Awareness
Deirdre O'Neill
Feminists Northwest
5038 Nickles Place, N. E.
Seattle, Washington 98105
(206) 524-4937

Commission on the Status of
Women
Pamela Faust
926 "J" Street, Suite 104
Sacramento, California 95814
(916) 445-3137

Sharing the Responsibility

Implementing Title IX in a school district or even in one individual school is a job too big and all-encompassing to be handled by only one person. Staff, parents, citizens, and students need to have a share in shouldering the responsibilities. Most schools that have moved the farthest toward eradicating sex discrimination use a decentralized approach involving vigorous dedicated committees.

Citizen committees are sometimes the prime impetus for change in schools. Ahlum has noted that the Kalamazoo (Michigan) Public School System, one of the first systems to focus on eliminating sex discrimination, began its efforts when approached by a group of local women in December 1971. This group convinced the school board to create the Committee to Study Sex Discrimination in the Kalamazoo Schools. The committee, made up primarily of parents, has been especially successful in tackling sex discrimination in curriculum.

Likewise, the Institute for Educational Leadership attributes much of the credit for Pennsylvania's "giant strides to end sexism" to a Task Force and an Implementation and Evaluation Committee made up of representatives from women's groups, the Pennsylvania Department of Education, and the Pennsylvania Human Rights Commission. As early as 1971 these groups began to undertake extensive work in teacher training and curriculum reform.

Efforts to implement Title IX in the Mt. Diablo Unified School District began in the fall of 1975 when a grass roots community group called the Task Force on Sexism began to push for change. A steering committee of teachers, parents, and students was then formed and a Title IX coordinator appointed. In addition, each school formed its own implementation committee of administrators, faculty, parents, and, where appropriate, students. Gloria Mikuls, Title IX coordinator, in a telephone interview on May 11, 1977, called these school committees "the key to success" in the district.

Both the Jefferson Union and the San Mateo Union High School Districts use the decentralized approach to implemen-

tation developed by San Mateo. Thomas Redman, Jefferson district Title IX coordinator, in a telephone interview on May 12, 1977, explained that this approach was the most effective for them because it involved the most people in each school. Redman feels that his job is not to tell people what to do but rather to coordinate and inform individual schools.

In San Mateo, each principal appoints a local compliance officer who develops committees made up of all levels of staff. Charles Mink, San Mateo's Title IX coordinator, explained that a centralized "I'm the boss" approach works fast but takes tremendous energy to maintain. Instead, he advocates using group process techniques in an effort to broaden exposure to new ideas and include everyone in decision-making. This results in a program that will be easy to maintain because most people understand and believe in it.

Administrative Support

Most of those involved in implementing Title IX or in helping others to implement it agree that it is difficult if not impossible to do without strong administrative support. As Bev Melugin, Title IX coordinator for the 4J school district in Eugene, Oregon, put it, "It is important to have a superintendent or assistant superintendent who takes it seriously, is willing to examine his or her attitudes, and is willing to do more than the minimum." Likewise, principals, because of their power to influence attitudes, curriculum, and how teachers spend their time, can make or break attempts to eradicate sex discrimination. Superintendents and principals must be dedicated to ending sex discrimination and must enthusiastically communicate this dedication to others if change is to come.

CONCLUSION

Complying with Title IX means big changes for most schools. From the earliest stages of conducting an institutional self-evaluation to putting the final touches on a nondiscriminatory athletic program, complying with Title IX takes energy and dedication and a great deal of information. Yet with help from numerous publications and workshops, and tips from those who have recently faced the same problems, compliance is not the frightening and confusing prospect it was in 1975.

Most important, administrators and other school people are increasingly realizing that implementing Title IX is worth the time, effort, and money that it costs. It is clear that a commitment to high quality education demands it. If talented educational leaders are not allowed to lead simply because of their sex, surely educational quality will suffer. If students are denied the opportunity to pursue their interests and abilities simply because of their sex, surely educational quality will suffer.

In fact, schools and administrators are now beginning to move, as Peterson has put it, "beyond compliance to personal commitment." They are beginning to be less concerned about doing the minimum necessary to comply with the letter of the law and more concerned about creating a school environment that reflects the spirit of the law. They are beginning to examine attitudes and beliefs in an effort to ferret out the vestiges of sexism and sex role stereotyping that are so much a part of American culture. For it is only when all men and women and girls and boys are regarded and treated equally as people that true equality of opportunity will exist and the spirit as well as the letter of Title IX be realized.

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